

Remarks on Rejections

The Office Action rejected claims 1, 5-6, 10 and 21 under section 102(e) as being unpatentable over Lee, et al. (US 2002/0134153). Claims 1 and 21, which are the only independent claims remaining in this application, have been amended to more clearly distinguish over the Lee '153 application, as well as, the section 103(a) rejection based on a combination of the Lee and the Shimizu '868 reference. The Lee '153 application consistently states that the second layer deposited on the disk is CoTi and makes no mention of possible alternatives. Applicants have amended each independent claim to include RuAl as the seed layer to clearly distinguish over Lee '153.

Claims 2-3, 7-9 and 22-23 were rejected under section 103(a) as being unpatentable over Lee '153 in view of Shimizu '868. Applicants respectfully assert that it is improper to combine these references since Lee '153 is directed to a longitudinal recording media and the Shimizu '868 reference is teaching a layer structure for a magnetic disk for perpendicular recording. (See Shimizu '868, paragraph 16, for example). There are several significant differences between perpendicular and longitudinal recording media including the use of the soft underlayer and vertical c-axis orientation in perpendicular recording which make substitutions between the two media not only non-obvious, but generally inoperable. Therefore, one of ordinary skill in the art would not look to perpendicular recording art for equivalences for longitudinal recording.

Applicants have amended independent claims 1 and 21 to clearly establish that the Applicants' invention is in longitudinal recording.

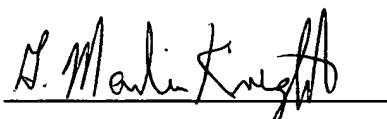
The Examiner indicated that dependent claim 4 would be allowable is rewritten in independent form.

Conclusion

Applicants respectfully submit that the amendments and foregoing arguments have shown that the applicants' claimed invention distinguishes over Lee '153 or

Shimizu '868 taken separately and applicant further submits that the motivation to combine the selected features of the references is not present to support a section 103(a) rejection. The applicant, therefore, respectfully requests that the rejections be withdrawn and that the case be allowed.

Respectfully Submitted,

A handwritten signature in black ink, reading "G. Marlin Knight", is written over a horizontal line.

G. Marlin Knight (#33,409)

PO Box 1320

Pioneer, CA 95666

209-295-1982